

**REMARKS/ARGUMENTS**

Claims 1-5 and 7-32 stand in the present application, claims 1 and 7-9 having been amended, and claim 6 having been canceled and incorporated into claim 1. Applicants note with appreciation the Examiner's allowance of claims 26-31 and the indication of allowable subject matter in claims 10-13, but respectfully submit that in view of the above amendments and the following remarks that all of claims 1-5 and 7-32 standing in the present application are now in condition for allowance. Accordingly, reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 1-3, 5, 6, 9, 14, 16, 18, 20, 24, 25 and 32 under 35 U.S.C. § 102(e) as being anticipated by Mueller et al. (U.S. Patent No. 6,717,353); and has rejected claims 4, 7, 8, 15, 17, 19 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Mueller et al. In view of the above-described claim amendments, the Examiner's §§ 102 and 103 rejections of the claims are believed to have been overcome, as will be explained in greater detail below.

Applicants have amended claim 1 by incorporating the limitations of dependent claim 6. Dependent claim 6 recited a specific relationship for the oxynitride phosphor which is believed to have been invented prior to Mueller et al. as demonstrated in the Rule 131 Declaration of Hiroto Tamaki, Suguru Takashima, Masatoshi Kameshima, and Takahiro Naitou and associated materials filed with the previous Amendment on December 18, 2008. Since the more specific limitations now incorporated into claim 1 were invented prior to Mueller et al. as established by the aforementioned Rule 131 Declaration and associated materials, it is respectfully submitted that Mueller et al. does

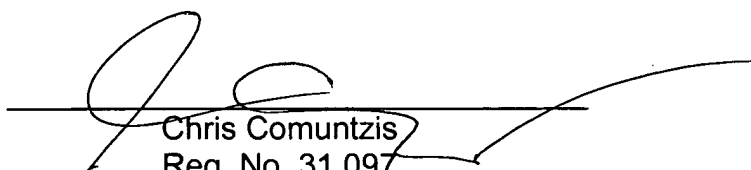
not constitute prior art against the present amended claims. Accordingly, all of the claims now standing in the present application are believed to be in condition for allowance.

Therefore, in view of the above amendments and remarks it is respectfully requested that the application be reconsidered and that all of claims 1-5 and 7-32, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Chris Comuntzis  
Reg. No. 31,097

CC:lmr  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100